New Forms. New Rules. What More Could a Bankruptcy Practitioner Want?

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Overview

- OBJECTIVES:
 - Provide practice tips to help you adjust to the new forms
 - Introduce new local rules affecting bankruptcy
 - Provide resources to review later to
 - Help you become familiar with the new forms
 - Point out some of the most interesting form changes

Hints About New Forms

Because of the high quality of Kansas attorneys, the transition since December 1 has been remarkably smooth

Be Sure to Use the New Forms

- Filing on the old forms is at the filer's risk
- If you file on the old form, you can expect to be asked to refile the document on the new form
- Judges are increasingly likely to strike documents filed on the old forms
 - Many new forms prompt for more information than the old forms and some judges or parties may insist that the new form is essential to get that additional information
- Creditor Attorneys: Please advise creditors to use the new Proof of Claim form
 - Some creditors are still using old Proof of Claim forms from the 1900's

Remember to Include Form 106Dec: Declaration About an Individual Debtor's Schedules

- This form must be filed every time one or more schedules is filed
 - Must accompany any set of schedules when initially filed
 - Must also accompany any amended schedule(s)

Declaration About an Individual Debtor's Schedules

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, conc obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or impris years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Attorneys File the Declaration Re: Electronic Filing; Not Official Form 121

- Attorneys file only the Declaration Re: Electronic Filing, not Form 121
 - Must be signed by debtor with a wet ink signature
 - Be certain to include the debtor's Social Security Number
 - File it conventionally per § I.C of Appendix 1-01 to LBR 5005.1
- LBR 1007.1(a)(3) states (as amended by Standing Order 15-4):
 - (3) Electronically filed petitions must follow the same order as listed in paragraph (a)(1) above, except that counsel must conventionally submit the Declaration Re: Electronic Filing (form available from the Clerk of the Bankruptcy Court) in lieu of Official Form 21121.

A fillable pdf Declaration Re: Electronic Filing is available on the Court's website

• http://www.ksb.uscourts.gov/images/ksb_forms/06_05_2009_decIdue.pdf

5.// www.ksb.uscourts.gov/images/ksb_1011115/00_05_2005_declade.pdf								
epanted on our work								
UNITED STATES BANKRUPTCY COURT DISTRICT OF KANSAS								
In re: Debtor(s), Full Social Security Number(s) Bankruptcy Case No.								
DECLARATION RE: ELECTRONIC FILING								
PART I - DECLARATION OF PETITIONER:								
I [We] and, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that I [we] have reviewed the information provided in the electronically filed petition, statements and schedules and the information is true and correct. I [We] further declare under penalty of perjury that the foregoing Social-Security number and/or Individual Taxpayer-Identification Number is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this DECLARATION RE:								

Application to Pay Filing Fee Through the Plan

- Problem: A small number of attorneys are finding that they have an internet fee due when they
 - Electronically filed petitions using bankruptcy preparation software
 - Together with an application to pay the filing fee through the plan
- Short Term Solution: Call the local Bankruptcy Clerk's Office
- Long Term Solution: We are investigating the cause (whether it is CM/ECF or the bankruptcy filing software or user error) and looking for the fix

Form 101 and New Form 2010

- Formerly: LBR 1007.1(a)(1)(P) required a certificate (Form 201B) pursuant to 11 U.S.C. § 521(a)(1)(B)(iii)(I) verifying that the notice to debtors required by 11 U.S.C. § 342(b) (former Procedural Form 201) had been either given by the attorney to the debtor or the pro se debtor had read the notice.
- Now:
 - The certificate is included at the end of the individual petition (Official Form 101).
 - The new notice is Form 2010, Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy.

Form 2010 Need Not Be Filed

- Form 101 does not require Form 2010 to be filed
- In cases when forms are missing or problematic, the Clerk's Office issues an Order to Correct Voluntary Petition in Bankruptcy
- In the past, a few orders to correct included the directive to file "Form 2010 Notice Required by 11 U.S.C. 342(b)"
- The Clerk's Office will no longer issue orders to correct requiring Form 2010 because it need not be filed

Form 101 and New Form 2010

• Certification by pro se debtor

a: a .									
Sign Below									
For you	I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.								
		re that I may proceed, if eligible, under Chapter 7, 11,12, or 13 elief available under each chapter, and I choose to proceed							
	If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill of this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).								
	I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.								
		g property, or obtaining money or property by fraud in connection 250,000, or imprisonment for up to 20 years, or both.							
	×	×							
	Signature of Debtor 1	Signature of Debtor 2							
	Executed on	Executed on MM / DD / YYYY							

Form 101 and New Form 2010

• Certification by attorney

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page. I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § [342(b)] and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

×	Date					
Signature of Attorney for Debtor		MM	I	DD	/ YYYY	

New Form 103A: Application for Individuals to Pay the Filing Fee in Installments

- If your software package permits it: Disable it from submitting the proposed Order Approving Payment of Filing Fee in Installments (page 2 of New Form 103A).
 - The proposed order is unhelpful and unnecessary.
- In Chapter 13 cases: If you intend the filing fee to be paid through the plan, it is helpful if you add that language immediately above the "Total" in Part 1 of Form 103A.
 - For example, some attorneys include language like:
 - "[X] Balance to be paid through the Plan by Chapter 13 Trustee"

		Filing Fee in Installments 12/15
Be as complete and accurate as possible. If two n information.	narried people are filing to	gether, both are equally responsible for supplying correct
Part 1: Specify Your Proposed Paymen	t Timetable	
Which chapter of the Bankruptcy Code are you choosing to file under?	☐ Chapter 7 ☐ Chapter 11 ☐ Chapter 12 ☐ Chapter 13	
You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to	You propose to pay	-
pay them. Be sure all dates are business days. Then add the payments you propose to pay.	\$	With the filing of the petition On or before this date
You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final	\$	On or before this date
payment timetable.	\$	On or before this date
	+ \$	On or before this date
Total	\$	[X] Balance to be paid through the Plan by Chapter 13 Trustee Your total must equal the entire fee for the chapter you checked in line 1.

New Form 103B: Application to Have the Chapter 7 Filing Fee Waived

- If your software package permits it: Disable it from submitting the proposed Order on the Application to Have the Chapter 7 Filing Fee Waived (page 2 of New Form 103B).
 - The proposed order is unhelpful and unnecessary.

Form 106C: The Property You Claim as Exempt

- If Schedule C (exempt property) is <u>amended</u>, please file it separately using the CM/ECF event specific to Schedule C
 - Bankruptcy -> Other -> Amended Schedule C
 - Include a Form 106Dec with the amended Form 106C
- Filing the Amended Schedule C separately allows the Clerk's Office to serve it to the matrix with a Notice of Amended Schedule C that includes a time limit to object

Use Form 2500A: Summons

- When requesting a summons to be issued from the Clerk's Office, use Form 2500A, Summons in an Adversary Proceeding
 - Not 2500B, Summons and Notice of Pretrial Conference in an Adversary Proceeding
 - Not 2500C, Summons and Notice of Trial in an Adversary Proceeding
- The New Form 2500A is posted on the Bankruptcy Court's public website

A Few More Hints

Print Documents to PDF Rather Than Scanning Them

- Printing documents to pdf has many advantages over scanning hard copies
- Printing to pdf:
 - Requires less memory
 - Provides a clearer, more legible image
 - Makes images searchable
 - Allows CM/ECF to identify citations and automatically generate hyperlinks

Do Not Mail Paper Copies of Electronically Filed Documents to the Court

- If the original document was filed electronically in CM/ECF, there is no need to send a paper copy to the Clerk's Office
- Save yourselves—and your clients—time, paper, and postage
- You can cross the court's mailing address off the matrix that you attach to the Certificate of Service
 - Clarifies that you did not include a mailed copy to the Court

Delayed Certificates of Service

- Some Certificates accompanying a filed document say "The undersigned further states that (s)he will file a Certificate of Service stating the exact date of service, as well as the parties served by U.S. First Class Mail, postage prepaid, within three (3) business days"
- These prompt an order to correct and require the Clerk's Office to track them
 - Sometimes the follow-up Certificate is not filed within the time stated
 - Also, this language does not follow the model Certificate of Service language provided in LBR 9013.3
- Beware: if the service date does not provide sufficient notice (e.g., 20 days rather than the requisite 21 days) it can prompt an additional order to correct or may draw an objection

Consistency in the New Forms

- Gender-neutral references to Debtor 1 and Debtor 2 replace references to husband and wife in joint cases
 - Once each debtor is identified as Debtor 1 or Debtor 2, be consistent throughout the bankruptcy to refer to each debtor with the same debtor number

New Text Only Orders Granting/Denying Motion to Extend the Automatic Stay

- If a Judge issues a text only order to rule on Motions to Extend the Automatic Stay, the debtor/movant must serve the text only order on all creditors
- To serve the text-only order, attorneys can print the Notice of Electronic Filing (the email sent to you) or print the page of the docket on which the text-only order appears

Text Only Order Granting Motion to Extend the Automatic Stay

ORDER GRANTING MOTION TO EXTEND THE AUTOMATIC STAY

Debtor/Movant has met burden of proof that this case is filed in good faith, stay is continued as to all creditors under §362(c)(3). **Debtor/Movant shall serve a copy of this order on all creditors and file a certificate of service with the Court.** So ORDERED by s/Robert E. Nugent. (related documents 21 Motion to Extend Automatic Stay Filed on behalf of Judge USBC Orders, with Certificate of Service.) (Zimmerman, David)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. (When filing a certificate of service for this order, relate it back to the **epo** category.)

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

Text Only Order Denying Motion to Extend the Automatic Stay

ORDER DENYING MOTION TO EXTEND THE AUTOMATIC STAY

Following hearing on Debtor(s) motion under §362(c)(3), the motion is DENIED and the temporary stay shall terminate 30 days from the date of the petition. **Debtor/Movant shall serve a copy of this order on all creditors and file a certificate of service with the Court.** So ORDERED by s/ Robert E. Nugent. (related documents 21 Motion to Extend Automatic Stay Filed on behalf of Judge USBC Orders, with Certificate of Service.)(Zimmerman, David)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. (When filing a certificate of service for this order, relate it back to the **epo** category.)

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

Meet the New Local Rules

There are a lot of changes

Some Local Rule Changes Are Already In Effect

- District Court Standing Order 15-02
 - Retroactively effective December 1, 2015
 - Interprets the effective date of amended Fed. R. Civ. P. 4(m) locally
- Bankruptcy Court Standing Order 15-4
 - Effective December 1, 2015
 - Modifies many local rules to address changes to Bankruptcy Forms

Some Rules Are Changing in March 2016

- More Local Bankruptcy Rules will be amended effective March 17, 2016 to:
 - Formally adopt (after publication for public comment) the interim rule changes made by Standing Order 15-4
 - Abrogate Standing Orders that are either obsolete or are being formally adopted as regular Local Rules
 - Adopt additional rule changes that did not have to be adopted immediately on an interim basis by Standing Order

Rule Changes Now in Effect

District Court Standing Order 15-02

Interprets the effective date of amended Fed. R. Civ. P. 4(m) locally

An amendment to Fed. R. Civ. P. 4(m), reducing the period for effecting service from 120 days to 90 days went into effect on December 1, 2015. The U.S. Supreme Court's order dated April 29, 2015 states:

"That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 2015, and shall govern in all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings then pending." (emphasis added.)

To provide additional guidance, the Court further orders as follows:

IT IS HEREBY ORDERED that the 90-day time period for effecting service under Fed.

R. Civ. P. 4(m) shall apply to all cases filed on or after December 1, 2015; and

IT IS FURTHER ORDERED that this amendment to Fed. R. Civ. P. 4(m) shall not apply to cases already pending as of December 1, 2015; and

Bankruptcy Court Standing Order 15-4 Overview

- Updated references in the local rules to bankruptcy form names and numbers
- Reorganized the order in which documents accompanying a bankruptcy petition should be filed
- Updated the list of documents that must be filed separately from the bankruptcy petition
- Amended certain Standing Orders substantively
- Abrogated certain Standing Orders
- Clarified language governing payment of filing fees by credit card
- Changed rules governing pagination
- Clarified language governing citations to unpublished decisions

Throughout: Changes to Form Numbers/Names

- All references to Official Forms and Director's Forms were updated to reflect the new form numbers and the new names
- See, e.g., LBR 1005.2(a)

LBR 1005.2 CAPTIONS; CASE NUMBERING SYSTEM

(a) Captions. In addition to meeting the requirements of Fed. R. Bankr. P. 1005 and Official Form 16A416A or 16B416B, as applicable, the caption of each petition must state the full and correct name of the debtor.

LBR 1007.1(a)(1): Petition and Attachments Reordered

- Added references to the new forms
 - Petition is now Official Form 101 or 201, depending on the debtor type
 - All Schedules are listed and identified by the new name (e.g., Schedules A/B and E/F)
- Now the attachments following the petition generally follow in form number order
 - E.g., the list of 20 largest unsecured creditors who are not insiders (Official Form 104/204) is now the first attachment
 - E.g., Statement of Financial Affairs (Form 107/207), comes after the Schedules
- The matrix and matrix verification are now filed with the petition as the last attachment
 - Previously the rule required them to be filed separately from the petition

LBR 1007.1(a)(2): Documents Filed Separately From the Petition

- Deleted the matrix and matrix verification from the list of documents to be filed separately from the petition
 - Now filed as the last attachment to the petition
- Added Debtor's Electronic Noticing Request Form (DeBN Request)
- Added Official Form 101B, statement about payment of an eviction judgment

Appendix 1-01 to LBR 5005.1: Administrative Procedures for Filing ... By Electronic Means

- Updated the language in § 1.D about paying filing fees to clarify that
 - Attorneys pay fees electronically by using Pay.gov
 - The Court does not retain credit card numbers or make automatic draws
- D. Filing Fees. For filings that require a fee to be paid, the office of the clerk will automatically draw payment from the credit card account that was provided by the attorney attorney must use a credit card to promptly pay the fee through Pay.gov. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

LBR 9004.1(a)(2): Pagination

- Requires every page of pleadings, motions, briefs and other documents filed as the main document in CM/ECF to be serially paginated beginning with the first page
 - (2) Pagination. Pleadings, motions, briefs, and other documents submitted for filing (other than exhibits and/or attachments) must be paginated beginning with the first page of the filing and sequentially numbering all pages that follow. Numbered pages include the cover page, table of contents, table of authorities, indices, and all other parts of the document.

LBR 9004.1(a)(2): Pagination

- Previously, many briefs did not sequentially number all of the pages that precede the statement of facts, so page numbers assigned by the authors to the statement of facts and argument sections often did not match the page numbers assigned by CM/ECF
- Page numbers affixed by authors will now correspond to the page numbers that CM/ECF assigns when the document is electronically filed

LBR 9004.1(a)(2): Pagination

- <u>Hyperlinking Benefits</u>: Fixing this page number mismatching problem will allow CM/ECF to automatically create accurate hyperlinks from one document filed in CM/ECF to a precise page number in another CM/ECF document when it is cited properly
- Paginating Attachments is Optional: Although it would be beneficial for attachments and exhibits to be serially paginated (thereby allowing CM/ECF to create the most accurate hyperlinks to the proper page of a cited attachment) the amended rule does not require attachments and exhibits to be serially numbered at this time

LBR 9004.1(b)(1): Citation Format of Unpublished Decisions

• The language governing citations to unpublished decisions was moved from LBR 9013.1(d) to LBR 9004.1(b)(1), to make clear that unpublished decisions should be cited using the designated format in all documents, not just in briefs and memoranda

(b) Citation Formats.

(1) Unpublished Decisions. An unpublished decision cited in a pleading, motion, brief or other document shall be attached as an exhibit only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Parties citing unpublished decisions that are available via electronic means must not furnish a copy to the court or to opposing parties unless requested. Unpublished decisions should be cited as follows: In re Smith, No. 02-12345 (Bankr. D. Kan. Jan. 7, 2005).

LBR 9013.1(d): Additional Copies of Briefs for Court Use.

- Former LBR 9013.1(e) was renumbered as 9013.1(d)
- The last sentence was deleted because a local rule is not needed for a judge to request that a copy of a brief be provided in a word processor format
 - (e) Additional Copies of Briefs for Court. If a pleading, paper or document is filed electronically, additional copies should not be provided to the court in conventional paper format. The court may request that any brief be provided by electronic means, usually in WordPerfect.

* * *

Standing Order 08-4(b)(5): Longer Notice of Default Time (5) If the case is a Chapter 12 or 13 case to

Amended to require a
 Mortgage Creditor to
 send (to both Debtor
 and Debtor's counsel)
 the letter alleging
 default not less than 14
 days (previously 10
 days) before taking any
 steps to modify the
 automatic stay

(5) If the case is a Chapter 12 or 13 case where the secured consumer debt is not modified by or paid through the Plan, and the Mortgage Creditor believes the debtor to be in default, the Mortgage Creditor shall send a letter alleging such default to the debtor and debtor's attorney upon any perceived or actual default by the debtor not less than 1014³ days before taking any steps to modify the

³Effective December 1, 2015, D. Kan. Bk S.O. 15-4 amended D. Kan. Bk S.O. 08-4(b)(5) to require a Mortgage Creditor to send the letter alleging default not

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automatic stay. Such written notice of default shall not be

Standing Order 11-3 § VI.C: Mortgage Payment History

- Section VI.C deleted the reference to Standing Order 11-3 Exhibit G and replaced it with a reference to Official Form 410A, thereby requiring Real Property Creditors to provide a mortgage history in substantial conformity with Official Form 410A
- Exhibit G was abrogated as moot.
 - C. During the pendency of the Chapter 13 case, Real Property Creditor shall submit to the Trustee, Debtor, and Debtor's attorney on or before the 10th of January of each year, a 12 month summary of the activity on the loan with a form substantially in conformity with Exhibit GOfficial Form 410A, Model Mortgage Payment HistoryProof of Claim Attachment.⁶

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	NEW FORM 410A																
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Debtor 2:					Fees, costs d		Escrow deficiency for funds advanced:					Private mortgage insurance:					
Last 4 digits to identify:				_		scrow deficiency for unds advanced:			Projected escrow shortage:					Total monthly payment:			
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Standing Order 12-2: ABROGATED

 Standing Order 12-2 (which adopted Interim Federal Rule of Bankruptcy Procedure 1007-I) was abrogated as moot because Federal Rule of Bankruptcy Procedure 1007-I has now been adopted

Standing Order 15-2: ABROGATED

- Standing Order 15-2 (requiring the Debtor Electronic Bankruptcy Noticing Form to be filed separately from the petition) was abrogated as moot when its provisions were incorporated into Standing Order 15-4 (eff. Dec. 1, 2015)
- The amendments to LBR 1007.1(a)(2) will be permanently adopted effective March 17, 2016

Rule Changes That Are Coming

Effective March 17, 2016

March 17, 2016 Changes Overview

- Incorporate the extensive changes adopted on an interim basis by Standing Order 15-4
- Update addresses for nine federal and state agencies
- Convert provisions of certain Standing Orders to permanent local rules
- Abrogate certain Standing Orders
- Update certain Standing Orders
- Makes a few technical and grammatical updates

LBR 2002.2(c): Federal Agency Addresses

- Department of Agriculture, Farm Service Agency
 - Name correction and two addresses consolidated into one
- Department of Education
 - ECMC address replaced with a Department of Education address
 - Separate, updated addresses are provided for
 - Noticing (to be included in schedules and on the matrix) and
 - Service of process (such as adversary complaints)

LBR 2002.2(c): Federal Agency Addresses

- Department of Housing and Urban Development
 - Address updated
- Small Business Administration
 - Two addresses consolidated into one
- Veterans Administration
 - Address updated

LBR 2002.2(c): State Agency Addresses

- Kansas Department of Commerce
 - Address updated
- Kansas Department of Revenue
 - Address updated
- Kansas Department for Children and Families
 - Name updated: formerly "Kansas Department of Soc and Rehab Sycs."
 - Address updated
- Kansas Department of Transportation
 - Address updated

LBR 2004.1: Rule 2004 Examinations

- Formerly adopted as an interim local rule by Standing Order 13-1
- Standing Order 15-4 (eff. Dec. 1, 2015) updated the form numbers in the interim LBR 2004.1
- Interim LBR 2004.1 is being made a permanent local rule
- No substantive changes are being made to the text
- Standing Order 13-1 will be abrogated as moot

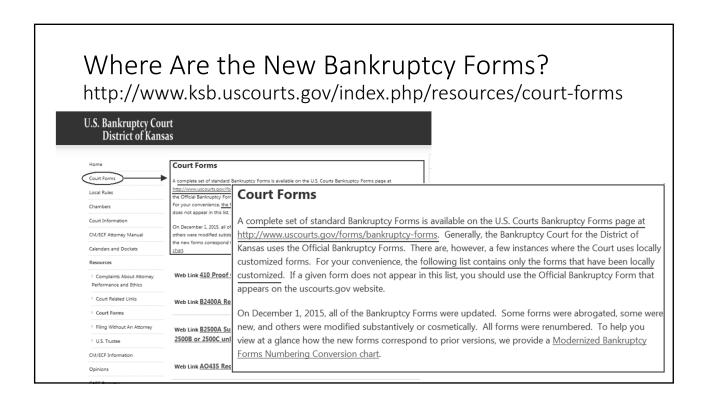
Standing Order 15-1: ABROGATED

- Standing Order 15-1 (governing Debtor Electronic Bankruptcy Noticing, "DeBN") is being abrogated as moot
- Interim LBR 9036.1 is being adopted as permanent LBR 9036.1

Standing Order 15-4: ABROGATED

- Standing Order 15-4 (extensively updating the local rules for the December 1, 2015 form changes) will be abrogated as moot
- Its interim changes will become permanent changes effective March 17, 2016

Resources About New Forms



Bankruptcy Forms

Bankruptcy Forms

Small Business Forms

Small Business Forms

Small Business Forms

Bankruptcy Forms

Individual Debtors

Bankruptcy Forms

Where Are the Standard Bankruptcy Forms? http://www.uscourts.gov/forms/bankruptcy-forms Email Updates Court Locator Court Search uscourts.gov **Services & Forms** **Services & Forms** **Bankruptcy Forms** **Bankruptcy Forms**

Plan of Reorganization in Small Business Case under Chapter 11

Disclosure Statement in Small Business Case under Chapter 11

Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate

Notice of Motion or Objection

Notice of Objection to Claim

Small Business Monthly Operating Report

Holds a Substantial or Controlling Interest

Voluntary Petition for Individuals Filing for Bankruptcy

Initial Statement About an Eviction Judgment Against You (individuals)

Forms
Attorney Forms

★ Bankruptcy Forms

Superseded Bankruptcy Forms

Civil Forms

CJA Forms

Criminal Forms

Court Reporter Forms

B 20A

B 25A

B 25B

B 25C

B 26

B 101

[Chapter 15 questions from Petition]

Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership

Modernized Bankruptcy Forms Numbering Conversion Chart http://www.ksb.uscourts.gov/images/ksb_pdfs/formnum_conv0918.pdf Modernized Bankruptcy Forms Numbering Conversion Chart 9.18.15 2014 Form 2014 Form Name 2015 Number Official Bankruptcy Forms Voluntary Petition B101 Voluntary Petition for Individuals Filing for Bankruptcy (incorporates exhibits – carves out eviction judgm statement as new form B101AB) B101A Initial Statement About an Eviction Judgment Against B101B Statement About Payment of an Eviction Judgment B201 Voluntary Petition for Non-Individuals Filing for Bankruptcy Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11 Exhibit A B201A Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201 Exhibit C B101 Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in B101

Form B101

Petition for Recognition of Foreign Proceeding

Declaration Under Penalty of Perjury for Non-Individual Debtors (For petition, schedules, SOFA,

What is NOT changing?

- Schedule I, which was already updated
 - But it was renumbered as Official Form 106I
- Schedule J, which was already updated, also has the same look and feel
 - But it was renumbered and there were a few substantive changes, as noted below
- Many forms did not change substantively
 - E.g., Disclosure of Compensation of Attorney for Debtor, Form 2030 was formerly Form B203, but changed only in number and formatting
- Local Chapter 13 Form Plan

What is not changing YET?

- Six Official Forms are targeted to be updated in December 2016:
 - Official Form B20A (becoming Form 420A) Notice of Motion or Objection
 - Official Form B20B (becoming Form 420B) Notice of Objection to Claim
 - Official Form B25A (becoming Form 425A) Plan of Reorganization in Small Business Case Under Chapter 11
 - Official Form B25B (becoming Form 425B) Disclosure Statement in Small Business Case Under Chapter 11
 - Official Form B25C (becoming Form 425C) Small Business Monthly Operating Report
 - Official Form B26 (becoming Form 426) Periodic Report Regarding Value Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest

What MIGHT change in the future?

• National Chapter 13 Form Plan

(Hurry. Change the subject before a heated discussion ensues.)

Form 101: Voluntary Petition for Individual

- Renumbered to distinguish it from petitions filed by non-individuals
 - Petitions for non-individuals must use Form 201
- New form is 8 pages
 - Partly because some of the material from Exhibits B and D have become part of Form 101

- Line 7: Avoid inconsistent entries
 - This line prompts for debtor to mark which chapter debtor is filing under
 - Top of page 1 includes the same prompt

The chapter of the Bankruptcy Code you are choosing to file under	Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.
	☐ Chapter 7
	☐ Chapter 11
	☐ Chapter 12
	☐ Chapter 13

Form 101: Voluntary Petition for Individual

- Line 10: In addition to prompting for "bankruptcy cases pending" by a spouse, business partner or affiliate, it now asks if bankruptcy is "being filed" by those persons
- 10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

No Yes.	Debtor District	When			Relationship to you Case number, if known
				MM / DD / YYYY	
	Debtor				Relationship to you
	District	When	n	MM / DD / YYYY	Case number, if known

- Old Exhibits A, B, C and D are eliminated
 - Old Exhibit A eliminated because it does not apply to individual debtors
 - Old Exhibit B is incorporated into the attorney signature page at page 7 of the new Form 101
 - Old Exhibit C is replaced by Line 14 which prompts debtor to list hazardous property
 - Line 14 also adds a prompt for debtor to identify "property that needs immediate attention" such as perishable property, animals needing care, or a building requiring urgent repairs (winterizing)
 - Old Exhibit D is replaced by Line 15 which prompts debtor to explain efforts to obtain credit counseling

Form 101: Voluntary Petition for Individual

Part 4: Report if You Own	or Have	Any Hazardous Prop	erty or Any	Property Tha	t Needs Imm	ediate A	ttention
14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to	□ No □ Yes.	What is the hazard?					
public health or safety? Or do you own any property that needs immediate attention? For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?		If immediate attention is	s needed, wh	y is it needed?_			
that rooted argon repaire.		Where is the property?	Number	Street			
			City			State	ZIP Code

Line 15: There is still no official form for either a

- Motion for a 30-day temporary waiver of the credit counseling requirement
 - I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the equirement, attach a separate sheet explaining what efforts you made to obtain the briefing, what you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a

- Motion for waiver of credit counseling
 - ☐ I am not required to receive a briefing about credit counseling because of:
 - ☐ Incapacity. I have a mental illness or a mental deficiency that makes me

incapable of realizing or making rational decisions about finances.

☐ Disability. My physical disability causes me to be unable to participate in a

briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

□ Active duty. I am currently on active military

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the cou

Form 101: Voluntary Petition for Individual

- Lines 19 and 20: Assets and Liabilities
 - Include new categories over \$1 billion.
- 19. How much do you estimate your assets to be worth?
- \$0-\$50,000 \$50,001-\$100,000 **\$100,001-\$500,000** □ \$500,001-\$1 million
- ☐ \$10,000|001-\$50 million ☐ \$50,000,001-\$100 million

□ \$1,000,001-\$10 million

□ \$1,000,001-\$10 million

- \$500,000,001-\$1 billion □ \$1,000,000,001-\$10 billion
- □ \$100,000,001-\$500 million
- ☐ \$10,000,000,001-\$50 billion ☐ More than \$50 billion □ \$500.000.001-\$1 billion

- 20. How much do you estimate your liabilities to be?
- \$0-\$50,000 \$50.001-\$100.000 **\$100,001-\$500,000**

□ \$500,001-\$1 million

- □ \$10,000,001-\$50 million □ \$50,000,001-\$100 million □ \$100,000,001-\$500 million
- \$1.000.000.001-\$10 billion □ \$10,000,000,001-\$50 billion ☐ More than \$50 billion

Sign Relow

- Page 8: Strongly encourages pro se debtors to hire a qualified attorney
- No need to file this page if debtor has an attorney
- Including this page with an email address does NOT satisfy the requirement of Standing Order 15-1 and Interim LBR 9036.1 to file a DeBN Request Form
 - The DeBN Request Form is required to express each debtor's decision to participate or decline participation in the Debtor Electronic Bankruptcy Notification program

Form 101: Voluntary Petition for Individual

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page. The law allows you, as an individual, to represent yourself in bankruptcy court, but you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another

- Line 11 together with new Official Forms 101A and 101B replace the old "certification by a debtor who resides as a tenant of residential property"
 - Line 11 prompts debtors to state whether they rent their residence.
 - If they rent and their landlord has an eviction judgment against them, they must file new Form 101A, Initial Statement About An Eviction Judgment Against You, with the petition.

New Form 101A: Initial Statement About an Eviction Judgment Against You

- Required only if
 - Debtor's landlord has an eviction judgment against the debtor and
 - The Debtor rents the residence
- If debtor wishes to stay in the rented residence up to 30 days, this form provides the notice contemplated by 11 U.S.C. § 362(b)(22) and subsection (I) to stay eviction for the first 30 days after filing of the petition
- File this form with the petition and serve Form 101A on the landlord

New Form 101B: Statement About Payment of an Eviction Judgment Against You

- Used by debtors to declare their right to stay in their residence more than 30 days after filing bankruptcy by certifying under penalty of perjury that they:
 - Have the right to stay by law if they pay the entire delinquent amount, and/or
 - Paid the entire judgment amount to their landlord within 30 days of filing bankruptcy
- Within 30 days after the individual files a voluntary petition, this form must be
 - Filed and
 - Served on the landlord

New Form 106A/B: Property

- Combines old Schedule A (real property) and old Schedule B (personal property)
- Part 1: All real property must be listed in this section, including
 - Business-related real property
 - Farm-related real property
- More specific information is requested about each property

Part 1: Describe Each Residence, Building,	/B: Part 1, Real P	ive an Interest In
1. Do you own or have any legal or equitable interes No. Go to Part 2. Yes. Where is the property?	st in any residence, building, land, or similar pro	perty?
1.1. Street address, if available, or other description City State ZIP Code	What is the property? Check all that apply Single-family home Duplex or multi-unit building Condominium or cooperative Manufactured or mobile home Land Investment property Timeshare Other	Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property. Current value of the entire property? Current value of the portion you own? \$ Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.
County	Who has an interest in the property Check one Debtor 1 only Debtor 2 only Debtor 1 and Debtor 2 only At least one of the debtors and another Other information you wish to add about this property identification number:	Check if this is community property (see instructions)

New Form 106A/B: Personal Property

- Personal Property categories are completely reorganized
- Items are listed in logical categories:
 - Part 2: Vehicles
 - Part 3: Household items
 - Part 4: Financial assets
 - Part 5: Business-related property (not realty)
 - Part 6: Farm and Commercial Fishing property (not realty)
 - Part 7: Catch-all for anything not listed above

New Form 106A/B: Part 2, Vehicles

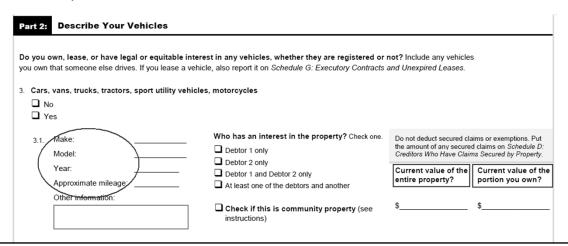
Prompts for information about two main categories of vehicles

- Line 3:
 - Cars
 - Vans
 - Trucks
 - Tractors
 - Sport utility vehicles
 - Motorcycles

- Line 4:
 - Watercraft
 - Aircraft
 - Motor homes
 - ATVs and other recreational vehicles
 - Other vehicles
 - Accessories

New Form 106A/B: Part 2, Vehicles

• More precise detail is elicited



New Form 106A/B: Part 3, Household items

- Regroups some items
 - Furs are now clothing rather than jewelry
 - Firearms are their own separate category, no longer part of sporting equipment
 - Non-farm animals have their own category

New Form 106A/B: Part 4, Financial Assets

- Two new categories
 - Line 18: Bonds, mutual funds, or publicly traded stocks
 - Line 33: Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment
 - This category prompts debtors to list tort claims, such as medical malpractice claims, that they might otherwise have overlooked
 - Helps prevent debtors from being estopped from filing claims because of their failure to disclose them to the Bankruptcy Court
- Explicitly prompts for ABLE accounts to be listed among education IRAs
 - Line 24: "Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program"

Form 106C: The Property You Claim as Exempt

- Line 1: Reverses the order in which the exemptions are listed
 - Old Schedule C lists the statutory references in numerical order
 - 11 U.S.C. § 522(b)(2) federal exemptions
 - 11 U.S.C. § 522(b)(3) state exemptions
 - New Form 106C lists statutory references in REVERSE numerical order

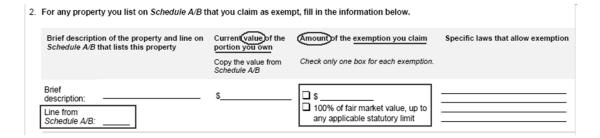
Part 1: Identify the Property You Claim as Exempt

Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.
 You are claiming state and federal nonbankruptcy exemptions 11 U.S.C. § 522(b)(3)
 You are claiming federal exemptions 11 U.S.C. § 522(b)(2)

Form 106C: The Property You Claim as Exempt

- Line 2: List of Exempt Property
 - Now requires debtor to list the line number from Schedule A/B where the exempt property was listed
 - Prompts for the "value" of the portion of the asset owned by debtor
 - Prompts for the "amount" of the exemption, rather than the value.
 - Pursuant to *Schwab v. Reilly*, 560 U.S. 770 (2010), the amount of exemption can be marked as either
 - limited by a dollar amount
 - 100% of fair market value, up to any applicable statutory limit

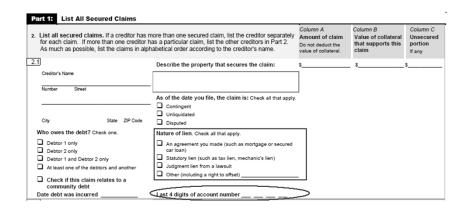
Form 106C: The Property You Claim as Exempt



Form 106D: Creditors Who Have Claims Secured by Property

- New check boxes to describe the nature of the lien
 - Agreement (mortgage or secured loan)
 - Statutory lien
 - Judgment lien
 - Other
- Prompts debtors to list only the last four digits of their account number
 - Reduces the temptation to share too much information
 - Obviates need to file motion to redact

Form 106D: Creditors Who Have Claims Secured by Property



Form 106D: Creditors Who Have Claims Secured by Property

- New Part 2: List Others to Be Notified for a Debt That You Already Listed
 - Identifies persons other than the principle creditor about a debt
 - E.g., collection agency pursuing a debt for the creditor
- Indicate the line in Part 1 where the debt was listed
 - Cross-referencing is similar to 106C exemptions and Part 3 of Form 106E/F

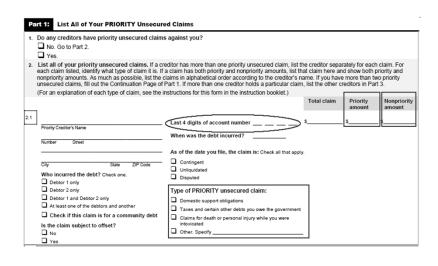
Form 106D: Creditors Who Have Claims Secured by Property

Part 2: List 0	thers to Be Notified for a Debt	That You Already List	ted
agency is trying to you have more than	collect from you for a debt you owe to	someone else, list the cre t you listed in Part 1, list the	of that you already listed in Part 1. For example, if a collection ditor in Part 1, and then list the collection agency here. Similarly, if a additional creditors here. If you do not have additional persons to
			On which line in Part 1 did you enter the creditor?
Name			Last 4 digits of account number
Number Stre	et		
City	State	ZIP Code	

New Form 106E/F: Creditors Who Have Unsecured Claims

- Combines the list of Priority claims with General Unsecured claims
- Claims should be listed alphabetically by creditor
- Part 1: Priority Claims
 - New Form: Check boxes are provided for the debtor to indicate the Priority type for each claim (for statistical purposes)
 - Domestic support obligations
 - Taxes and government debts
 - Claims for death and personal injury while debtor was intoxicated
 - Other requires debtor to enter the basis for priority
 - Old Schedule E had 9 check boxes to mark "if claims in that category" were listed among the priority claims on the attached sheets

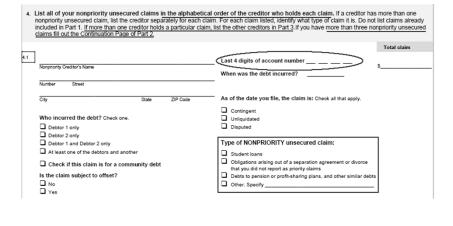
New Form 106E/F: Part 1, Priority Claims



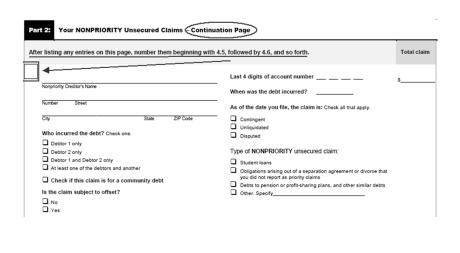
New Form 106E/F: Part 2 Nonpriority Unsecured Claims

- Part 2: "Nonpriority Claims"
 - New Form: Check boxes are provided for the debtor to indicate the Nonpriority type for each claim (for statistical purposes)
 - Student loans
 - Nonpriority obligations arising out of separation agreement or divorce
 - Debts to pension or profit-sharing plans, and similar debts
 - Other requires debtor to enter the basis for nonpriority of the claim
 - Similar to many other forms, it offers continuation pages if there are more claims than will fit on the first page of the form

New Form 106E/F: Part 2 Nonpriority Unsecured Claims



New Form 106E/F: Part 2 Continuation Page



New Form 106E/F: Part 3, List Others to Be Notified About a Debt That You Already Listed

- Similar to Part 2 of Form 106D (secured claims)
- Indicate the line in Part 1 or Part 2 where the debt was listed as either a priority or nonpriority claim

F	example, if a collection agency is trying to collect from y 2, then list the collection agency here. Similarly, if you ha	It your bankruptcy, for a debt that you already listed in Parts 1 or 2. For you for a debt you owe to someone else, list the original creditor in Parts 1 or ever more than one creditor for any of the debts that you listed in Parts 1 or 2, list the sons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.
	Name	On which entry in Part 1 or Part 2 did you list the original creditor?
	Number Street	Line of (Check one): Part 1: Creditors with Priority Unsecured Claims Part 2: Creditors with Nonpriority Unsecured Claims
	City State ZIP Code	Last 4 digits of account number

Form 106G: Executory Contracts

- This form was simplified
- Now it only requires debtor to identify the person with whom the executory contract is made and "what the contract or lease is for"
- List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

	Person or company with whom yo	u have the contract or lease	State what the contract or lease is for
2.1			
	Name		
	Number Street		
	City State	ZIP Code	

Form 106H: Your Codebtors

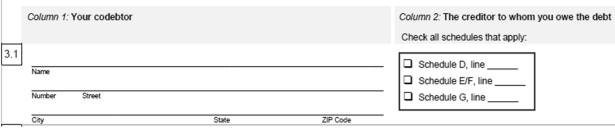
 Breaks out the question about having lived in a community property state within the past 8 years

1.	Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)
	□ No
	☐ Yes
2.	Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)
	□ No. Go to line 3.
	☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?
	□ No
	☐ Yes. In which community state or territory did you live? Fill in the name and current address of that person.
	Name of your spouse, former spouse, or legal equivalent
	Number Street
	City State ZIP Code

Form 106H: Your Codebtors

 Prompts debtor to cross-reference prior form and line on which the debt was listed previously

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.



Form 106I: Your Income

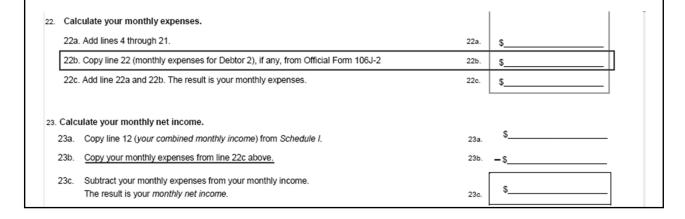
Hooray! This one is already familiar.

New Form 106J-2: Expenses for Separate Household of Debtor 2

- Reports the separate household expenses of Debtor 2
- Schedule J-2 is used only when individual debtors maintain separate households, see Schedule J, Part 1, Question 1
- Parallels Schedule J, but expenses listed on Schedule J should <u>not</u> be listed again on Schedule J-2, otherwise expenses would be doubled
 - Schedule J-2 subtotals the separate household expenses of Debtor 2

New Form 106J-2: Expenses for Separate Household of Debtor 2

 Line 22b on Schedule J includes the subtotal of monthly expenses from Schedule J-2



New Form 106J-2: Expenses for Separate Household of Debtor 2

• Line 23 is "not used" in Schedule J-2

22. Your monthly expenses. Add lines 5 through 21.

The result is the monthly expenses of Debtor 2. Copy the result to line 22b of Schedule J to calculate the total expenses for Debtor 1 and Debtor 2.

23. Line not used on this form.

New Form 106Sum: Summary of Your Assets and Liabilities and Certain Statistical Information

- No longer includes a Summary of Schedules asking which schedules are attached and the number of pages
- Reorders the items from the old Statistical Summary of Certain Liabilities and Related Data

New Form 106Dec: Declaration About an Individual Debtor's Schedules

- This form must always be filed every time one or more schedules is filed
 - Must accompany any set of schedules when initially filed
 - Must also accompany any amended schedule(s)

Declaration About an Individual Debtor's Schedules

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, conc obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or impris years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

- Part 1: Give Details About Your Marital Status and Where You Lived Before
- Part 2: Explain the Sources of Your Income
- Part 3: List Certain Payments You Made Before You Filed Bankruptcy
- Part 4: Identify Legal Actions, Repossessions, and Foreclosures
- Part 5: List Certain Gifts and Contributions
- Part 6: List Certain Losses
- Part 7: List Certain Payments or Transfers
- Part 8: List Certain Financial Accounts, Investments, Safe Deposit Boxes, and Storage Units
- Part 9: Identify Property You Hold or Control for Someone Else
- Part 10: Give Details About Environmental Information
- Part 11: Give Details About Your Business or Connections to Any Business
- Part 12: Sign Below

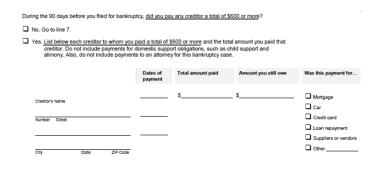
Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

- Reorders the topics
 - E.g., marital status in community property states (former line 16) and prior addresses (line 15) now come in Part 1
- Part 2: Prompts debtor to acknowledge if income comes from
 - Wages, commissions, bonuses
 - · Operating a business
- Explicitly requires all income to be disclosed for three periods:
 - Partial calendar year from January 1
 - The most recent full calendar year
 - The "calendar year before that"

Did you have any income from employment Fill in the total amount of income you received If you are filing a joint case and you have inco	from all jobs and all busing	nesses, including part-tim	ne activities.	dar years?
☐ No☐ Yes. Fill in the details.				
	Debtor 1	(Debtor 2	
	Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Sources of income Check all that apply.	Gross income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	Wages, commissions, bonuses, tips Operating a business	\$	Wages, commissions, bonuses, tips Operating a business	\$
For last calendar year: (January 1 to December 31,)	Wages, commissions, bonuses, tips Operating a business	\$	Wages, commissions, bonuses, tips Operating a business	\$
For the calendar year before that: (January 1 to December 31,)	Wages, commissions, bonuses, tips Operating a business	\$	☐ Wages, commissions, bonuses, tips☐ Operating a business	\$

Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

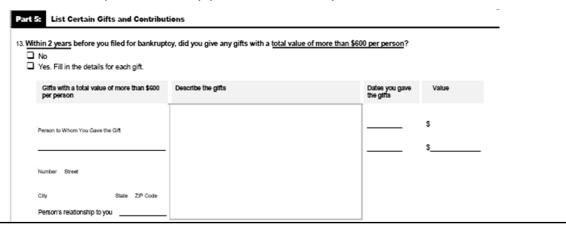
- Part 3: Narrower question prompts debtors with primarily consumer debts to list payments to creditors within 90 days prior to filing the petition:
 - Old Form B7 Line 3b asked debtors to list payments or transfers to creditors within 90 days before filing the bankruptcy "unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600"
 - New Form 107 Line 6 prompts for a listing of "each creditor to whom you paid a total of \$600 or more"
 - Excludes domestic support obligations
 - Does not include a reference to transfers affecting property with a value of more than \$600



Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

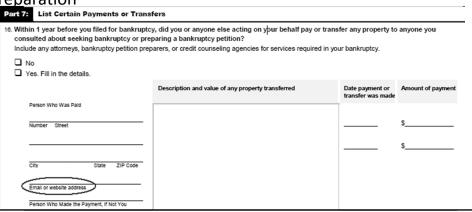
- Part 3: Asks separate questions for payments within 1 year of bankruptcy:
 - To insiders
 - For the benefit of insiders
- Now the form's definition of insiders includes "partnerships of which you are a general partner"

• Part 5: Gifts must be disclosed if the total value is \$600 over a twoyear lookback period to any person or charity



Form 107: Statement of Financial Affairs for Individuals Filing for Bankruptcy

 Part 7: Now requires debtor to list email address or website of persons debtor paid for consultation about bankruptcy or petition preparation



• Part 11: Information about individual debtors' businesses is much simpler and less detailed

iuiiii 4 years before you filed for b	ankruptcy, did you own a business or have any of th	e following connections to any business?
A sole proprietor or self-emp	ployed in a trade, profession, or other activity, either	full-time or part-time
■ A member of a limited liabilit	ty company (LLC) or limited liability partnership (LLP	P)
■ A partner in a partnership		
☐ An officer, director, or manage	ging executive of a corporation	
An owner of at least 5% of th	ne voting or equity securities of a corporation	
All owner of at least 5% of the	ie voung or equity securities of a corporation	
No. None of the above applies. (Go to Part 12.	
Yes. Check all that apply above	and fill in the details below for each business.	
	Describe the nature of the business	Employer Identification number
		Do not include Social Security number or ITIN.
Business Name		
Business Name		EIN:
Business Name Number Street		EIN:
	Name of accountant or bookkeeper	EIN: Dates business existed
	Name of accountant or bookkeeper	
	Name of accountant or bookkeeper	

New Form 121: Statement About Your Social Security Numbers

- Reserved for use by pro se filers
- Attorneys should only file the Kansas-specific "Declaration Re: Electronic Filing"
 - Kansas-specific form is required by § I.C of Appendix 1-01 to LBR 5005.1
 - Local form is found on our website at www.ksb.uscourts.gov/images/ksb_forms/06_05_2009_decIdue.pdf
 - Be certain to include the debtor's Social Security Number on the Declaration Re: Electronic Filing

Kansas-specific Form: "Declaration Re: Electronic Filing"

New Forms 122A-1, 122B, 122C-1: Statements of Your CMI

- Second column prompts for information specific to Debtor 2 for:
 - Question 5 (net income from farm or business) and
 - Question 6 (net income from rental and other real property)
- 5. Net income from operating a business, profession, or farm
 Gross receipts (before all deductions)

 Ordinary and necessary operating expenses

 Net monthly income from a business, profession, or farm

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 here → \$...

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New Form 122B: Chapter 11 Statement of Your CMI

- Old form Part 2 has been eliminated
 - Exclusion of income of a debtor's non-filing spouse is unnecessary because that income need not be reported

New Forms 122A-2 and 122C-2

- Now includes line for ABLE accounts (26 U.S.C. § 529A(b)) now that they may be included in the deduction for contributions to the care of household or family members
 - Authorized by 11 U.S.C. S 707(b)(2)(A)(ii)(II) by Tax Increase Prevention Act of 2014, Pub. L. No. 113-295
- 26. Continuing contributions to the care of household or family members. The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. <a href="https://doi.org/10.15/10/10.25/20.2

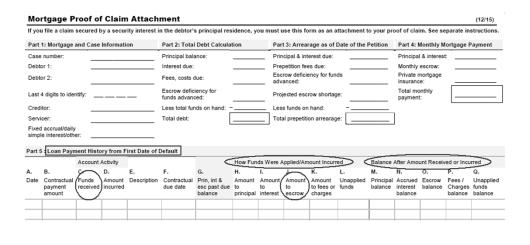
New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Old Form: required itemized information about
 - Principal
 - Interest
 - Fees Due as of the petition date
 - Amount needed to cure a prepetition default
- New Form: requires a loan history with
 - Dates payments were received and how payments were applied
 - When fees and charges were incurred
 - When escrow charges were satisfied

New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment

- Loan history must begin with the first missed payment that was not completely cured
- New form is designed to be automated to comply with Rule 3001(c)(2)(C)
- Intention is to increase transparency about claim and arrearage calculations

New Form 410: Proof of Claim Attachment A Mortgage Proof of Claim Attachment



New Form 318: Discharge Forms

 All forms: The vestigial references to distinction between pre-BAPCPA and post-BAPCPA cases are removed

Bankruptcy Clerk's Office Contacts

- David Zimmerman, Clerk of the Bankruptcy Court, District of Kansas
 - (316) 315-4180
- Stephanie Mickelsen, Chief Deputy Clerk
 - (785) 338-5910
- Judy Cowger, Supervisor, Kansas City (Kansas) Division
 - (913) 735-2112
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 - (316) 315-4112
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